



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

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January 17, 2013

## CERTIFIED MAIL

Gregg Metheny  
2419 Stewartstown Road  
Morgantown, WV 26508

**RE: CU13-01 / Scott Properties / Old Golden Blue Lane**

Dear Mr. Metheny:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced petition seeking conditional use approval of a "Multi-family Dwelling" use in the R-2 District.

The decision is as follows:

### **Board of Zoning Appeals, January 16, 2013:**

1. Findings of fact No. 1 through No. 7 were found in the positive as stated in Addendum A of this letter.
2. Finding of fact No. 8 was found in the **negative** as stated in Addendum A of this letter.
3. The Board **denied** the subject conditional use petition based on its negative finding of fact for No. 8 as stated in Addendum A of this letter.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

Should you have any questions or require further clarification, please contact the undersigned.

Respectfully,

Christopher M. Fletcher, AICP  
Director of Development Services

## **ADDENDUM A – Approved Findings of Fact**

### **CU13-01 / Scott Properties / Old Golden Blue Lane**

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**Finding of Fact No. 1** – Congestion in the streets is not increased, in that:

*Found in the positive as submitted by the petitioner.*

**Finding of Fact No. 2** – Safety from fire, panic, and other danger is not jeopardized, in that:

*Found in the positive as submitted by the petitioner.*

**Finding of Fact No. 3** – Provision of adequate light and air is not disturbed, in that:

*Found in the positive as submitted by the petitioner.*

**Finding of Fact No. 4** – Overcrowding of land does not result, in that:

*Found in the positive as submitted by the petitioner.*

**Finding of Fact No. 5** – Undue congestion of population is not created, in that:

*Found in the positive as submitted by the petitioner.*

**Finding of Fact No. 6** – Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:

*Found in the positive as submitted by the petitioner.*

**Finding of Fact No. 7** – Value of buildings will be conserved, in that:

The location of the proposed mixed-bedroom composition multi-family units is below the elevation of the adjoining R-1A District. Further, the by-right townhouse units that have been constructed serve as a buffer between the R-1A District and the proposed multi-family units thereby conserving the quality and character of the immediate area and preserving the purpose and intent of the R-2 District.

**Finding of Fact #8** – The most appropriate use of land is NOT encouraged, in that:

Altering the townhouse dwelling unit configuration of the petitioner's development site may increase traffic and parking congestion and noise within the immediate area as a result of an increase in the number of dwelling units as requested by the petitioner.